

# Draft Method for Determining Attainment of Env-Wq 1703.19 Related to Water Level Fluctuations in Impoundments Requiring Water Quality Certification

## Step 1. Impoundment identified for analysis

*This policy only applies to impoundments for which a new or modified Water Quality Certificate is needed.*

New or modified Water Quality Certification requested

YES

All other water quality standards besides Env-Wq 1703.19 in compliance or addressed

NO

Revise application to address violations

YES

Will withdrawal or release in conjunction with other withdrawals or releases result in >1 foot change in water level?

NO

Water level fluctuations deemed Insignificant relative to antidegradation provisions (Env-Wq 1708.09) and will be approved by DES if no other WQS are violated and if other resource agencies do not object based on their respective reviews of the application

NO

Screening Level Analysis: Will withdrawal or release in conjunction with other withdrawals or releases result in >20% of littoral area dewatered?

YES

Site-Specific Study: Answering same question but using site-specific data and considering site-specific factors

NO

NO

YES

Water level fluctuations deemed Significant relative to antidegradation provisions (Env-Wq 1708.09). Revise application?

NO

Quantify impact on biological and aquatic community integrity using BCG tiers. Is Env-Wq 1703.19 violated (BCG Tier 5 or greater)?

NO

YES

Revise application?

NO

Use Attainability Analysis approved by EPA?

YES

DES Determination

Denial

Approval

## Step 2. De minimus Threshold

*De minimus threshold of 1 foot follows Maine DEP regulations (Chapter 587) for summer season.*

## Step 3. Significant or Insignificant Determination (Env-Wq 1708.09a)

*Screening level analysis uses bathymetry of the impoundment and assumes the littoral zone is between the 0 to 15 foot isobaths. Examples of "site specific factors" are absence of habitat, ice, and water management plans for protected instream flows per Env-Wq 1900. "Site specific data" may include mapping of rooted macrophytes to delineate the littoral zone.*

## Step 4. Quantifying Impact and Social & Economic Justification

*BCG Tiers 5 and 6 indicate major or severe changes in the structure and function of the biological community. Therefore, the conditions in Env-Wq 1703.19 could not be met.*

## Step 5. Agency Determination

*Dashed lines indicate a simplification of a complicated process.*

**DRAFT**

YES

NO

NO